

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MICHAEL RUDARMEL,

Plaintiff,

v.

UNITED OF OMAHA LIFE INSURANCE COMPANY,

Defendant.

No. 3:10-cv-00848-MO

OPINION AND ORDER

MOSMAN, J.,

After oral argument on October 20, 2011, I issued the following order: (1) plaintiff's Motion for Reconsideration [68] is granted; (2) the Court's Opinion and Order [66] is voided; (3) defendant's Motion for Summary Judgment [51] is denied; (4) defendant's Motions to Amend [39] [42] are granted; (5) Plaintiff's Motion for Partial Summary Judgment [18] is denied with leave to renew; (6) discovery is reopened, to be completed by December 19, 2011; and (7) dispositive motions are due January 13, 2011.

In denying plaintiff's Motion for Partial Summary Judgment [18] with leave to amend, I did not hold that the United of Omaha Insurance Company policy originally issued to plaintiff in 2006 is the version that controls in this case. Nor did I hold that the amended United of Omaha Insurance Company policy reissued to plaintiff in 2007 controls. Instead, I deferred ruling on this issue until the parties have had an opportunity to fully brief the issue of reformation of the 2006

policy based on mutual mistake, pursuant to my granting of defendant's Motion for Leave to File a First Amended Complaint [42].

With regard to the reopening of discovery, I hold that discovery is reopened solely as to the issue of reformation of the United of Omaha policy that was originally issued to plaintiff in 2006. Neither party shall attempt to conduct further discovery outside the scope of this narrow issue.

IT IS SO ORDERED.

DATED this 4th day of November, 2011

/s/ Michael W. Mosman

MICHAEL W. MOSMAN

United States District Court